



01173/100C071-US6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Paul O. ZAMORA et al.

Serial No.: 10/733,426

Group Art Unit: 1616

Filed: December 10, 2003

Examiner: Dameron L. JONES

Confirmation No.: 2146

For: POST-LABELING STABILIZATION OF RADIOLABELED PROTEINS AND  
PEPTIDES

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**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned is an attorney of record in the above-identified patent application, of which RHOMED INCORPORATED, c/o Palatin Technologies, Inc., 4-C Cedar Brook Drive, Cedar Brook Corporate Center, Cranbury, New Jersey 08512, is the owner of the entire right, title, and interest in this patent application by assignment from the inventors. The assignment document is dated September 17, 1997 and September 25, 1997 (copy attached hereto as Exhibit A) and was recorded by the U.S. Patent and Trademark Office on September 13, 1999, at Reel 010234, Frame 0845, during the prosecution of parent application Serial No. 08/794,311, now U.S. Patent No. 6,066,309 of which the present application is a divisional.

RHOMED INCORPORATED hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on this application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and § 173 of U.S. Patent No. 6,066,309, and hereby agrees that any patent granted on this application shall be enforceable only during such period that the legal title to the granted patent shall be the same as the legal title to U.S. Patent No. 6,066,309. This agreement runs with any patent granted on this application and is binding upon the grantee, its successors and assigns.

The statutory fee of \$130.00 for a disclaimer is enclosed.

RHOMED INCORPORATED does not disclaim the terminal part of any patent granted on this application prior to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and § 173 of U.S. Patent No. 6,066,309, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); has all claims cancelled by a reexamination certificate; is reissued, or is in any manner terminated prior to the expiration date of its full statutory term.

Respectfully submitted,



Adda C. Gogolis  
Reg. No. 29,714  
Attorney For Applicant(s)

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1173/1C071-US2

## **ASSIGNMENT**

Paul O. Zamora, a citizen of the United States of America; residing at Sendero de los Encinos #88, Puerta de Hierro (Extenadora), Zapopan, Guadalajara, Jalisco MEXICO;

Michael J. Marek, a citizen of the United States of America; residing at 503 Carlisle S.E., Albuquerque, New Mexico 87108;

(hereinafter called "ASSIGNORS") in consideration of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration paid to them by

### **RhoMed Incorporated**

a corporation organized under the laws of New Mexico, located at 4261 Balloon Park Road N.E., Albuquerque, NM 87109-5802, (hereinafter called the "ASSIGNEE"), do hereby sell and assign to the said ASSIGNEE, its successors and assigns, all their right, title and interest,

☐ in and for the United States of America,

☒ throughout the world,

in and to their invention entitled:

### ***ASCORBATE-STABILIZED RADIOPHARMACEUTICAL METHOD AND COMPOSITION***

Invented by them and described in

☐ the application executed on

☒ Application Serial No. 08/794,311, filed February 3, 1997

for United States Letters Patent therefor, and all divisions, reissues, continuations and extensions thereof, said interest being

☒ the entire ownership interest

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[] an undivided partial ownership interest

in said Letters Patent when granted, to be held and enjoyed by said ASSIGNEE, its successors, assigns or other legal representatives, to the full end of the term for which said Letters patent may be granted, as fully and entirely as the same would have been held and enjoyed by said ASSIGNORS if this assignment and sale had not been made;

And ASSIGNORS hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal or reissue applications, or in any amendment, extension, or interference proceedings, or otherwise to secure the title thereto in said ASSIGNEE;

And said ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

I declare under penalty of perjury under the laws of the United States of America that I have signed this document as my own free act and that all of the foregoing is true and correct.

Dated:

Sept. 17, 1997

  
Paul O. Zamora, Co-Inventor

Dated: \_\_\_\_\_

\_\_\_\_\_  
Michael J. Marek, Co-Inventor

MI11731C071ADJD47B.WB2

-2-

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Paul O. Zamora, a citizen of the United States of America; residing at Sendero de los Encinos #88, Puerta de Hierro (Extenadora), Zapopan, Guadalajara, Jalisco MEXICO;

Michael J. Marek, a citizen of the United States of America; residing at 503 Carlisle S.E., Albuquerque, New Mexico 87106;

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☒ throughout the world,

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***ASCORBATE-STABILIZED RADIOPHARMACEUTICAL  
METHOD AND COMPOSITION***

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in said Letters Patent when granted, to be held and enjoyed by said ASSIGNEE, its successors, assigns or other legal representatives, to the full end of the term for which said Letters patent may be granted, as fully and entirely as the same would have been held and enjoyed by said ASSIGNORS if this assignment and sale had not been made;

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And said ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

I declare under penalty of perjury under the laws of the United States of America that I have signed this document as my own free act and that all of the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Paul O. Zamora, Co-Inventor

Dated: 09/25/97

  
Michael J. Marek, Co-Inventor

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## Patent Assignment Abstract of Title

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## Total Assignments: 3

Patent #: [6066309](#) Issue Dt: 05/23/2000 Application #: 08794311 Filing Dt: 02/03/1997

Inventors: PAUL O ZAMORA, MICHAEL J. MEREK

Title: POST-LABELING STABILIZATION OF RADIOLABELED PROTEINS AND PEPTIDES

## Assignment: 1

Reel/Frame: [010234/0845](#)

Recorded: 09/13/1999

Pages: 5

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 09/17/1997

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Exec Dt: 09/25/1997

Assignee: [RHOMED INCORPORATED](#)

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## Assignment: 2

Reel/Frame: [012991/0676](#)

Recorded: 06/11/2002

Pages: 8

Conveyance: SECURITY AGREEMENT

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Exec Dt: 05/13/2002

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## Assignment: 3

Reel/Frame: [015328/0589](#)

Recorded: 11/04/2004

Pages: 5

Conveyance: SECURITY AGREEMENT

Assignor: [MALLINCKRODT, INC.](#)

Exec Dt: 10/06/2004

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